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COMMISSIONER FOR PATENT
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#16

David T. Read
Acting Director Health Assessment Policy Staff, CDER
Food and Drug Administration
1451 Rockville Pike, HFD-7
Rockville, MD 20852

AUG 11 2003

Dear Mr. Read:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 5,464,864. The application was filed on January 4, 2002, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A). It is noted that another application for patent term extension based upon the regulatory review of FROVA™ (frovatriptan succinate) was filed for U.S. Patent No. 5,616,603. If the determination of the regulatory review period mentions any specific patent number, it should mention both patents.

Inquiries regarding this communication should be directed to the undersigned at (703) 306-3159 (telephone) or (703)872-9411 (facsimile).

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Heidi L. Kraus, Esq.
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RE: FROVA ® (frovatriptan succinate)
Docket No. 03E-0147